



Order Filed on June 23, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

809785

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Attorneys for Secured Creditor: JPMorgan Chase
Bank, National Association

In Re:

Franklin Medina

Case No: 18-11629 - RG

Hearing Date: 06/30/2020

Judge: Rosemary Gambardella

**CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION AND
MOTION FOR RELIEF FROM STAY**

The consent order set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

DATED: June 23, 2020

A handwritten signature in cursive script, reading "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

NJID 809785

PHELAN HALLINAN DIAMOND & JONES, PC

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Attorneys for JPMorgan Chase Bank, National Association

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE:

FRANKLIN MEDINA

CASE NO. 18-11629 - RG

CHAPTER 11

Debtor

CONSENT ORDER RESOLVING
OBJECTION TO CONFIRMATION AND
MOTION FOR RELIEF FROM STAY

HEARING DATE: 06/30/2020

This Consent Order pertains to the property located at 212 214 65th Street, West New York, NJ 07093, mortgage account ending with "1023";

THIS MATTER having been brought before the Court by Carlos D Martinez, Esquire attorney for Debtor, Franklin Medina, upon the filing of a Chapter 11 Plan and Disclosure Statement, JPMorgan Chase Bank, National Association ("Secured Creditor") by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 11 Plan and Disclosure Statement and the Parties having subsequently resolved their differences regarding Debtor's Plan and Disclosure Statement, and Secured Creditor's Motion for Relief from Stay; and the Court noting the consent of the Parties to the form, substance and entry of the within Order; and for other and good cause shown:

IT IS ORDERED as follows:

1. The Parties agree that this Agreement is made part of the Debtor's Chapter 11 Plan and any Confirmation Order.
2. Secured Creditor's pre-petition arrearages amount to **\$14,990.93**, as set forth in Proof of Claim No. 12, filed on June 5, 2018.
3. The status of the post-petition arrearages are as follows:
 - (a) The Debtor is overdue for **9** months, from **October 1, 2019 to June 1, 2020**;
 - (b) The Debtor is overdue for **9** payments at **\$2,854.20** per month;
 - (d) Secured Creditor acknowledges suspense funds in the amount of **\$908.96**;

(e) The total amount of post-petition arrearages due is **\$24,778.84**

4. Debtor must cure all pre-petition and post-petition arrearages due to Secured Creditor in the total amount of **\$39,769.77** as follows:

(a) The amount of **\$39,769.77** shall be repaid by the Debtor in equal installments over 60 months; beginning on **July 1, 2020** in the amount of **\$662.83** for **59** months, plus **one (1)** final payment in the amount of **\$662.80**, until the total amount of **\$39,769.77** is paid by Debtor to Secured Creditor. The amount of **\$39,769.77** shall supersede the amount listed in Debtor's Chapter 11 Plan and Disclosure Statement;

(b) Beginning on **July 1, 2020**, regular monthly mortgage payments shall continue to be made to Secured Creditor;

(c) Nothing in this Agreement shall change the terms and conditions set forth in Debtor's Mortgage and/or Note.

5. Payments to the Secured Creditor shall be made to the following address(es):

Regular Monthly payment:

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

Monthly Cure Payment

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

6. Upon Confirmation of Debtor's Chapter 11 Plan, Secured Creditor shall have relief from the Automatic Stay. In the event of a default of the payments set forth in paragraph 4, or any other payment(s) that become due and owing under the Mortgage and Note contract, Secured Creditor shall provide the Debtor and/or Debtor's counsel with a Notice of Default as required by state law, and then may proceed with its state court rights.
7. In the event of a default on payments to Secured Creditor under the terms of this Agreement prior to the entry of the Confirmation Order, Secured Creditor, upon any such payment being five (5) business days late, may file a Certification of Default with the Court, on notice to the Debtor, Debtor's counsel, and the United States Trustee.

8. In the event the Debtor converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 11 Trustee, the Debtor, and Debtor's attorney, and the Court shall enter an Order granting relief from the Automatic Stay.
9. Upon dismissal of the instant bankruptcy case, the foregoing terms and conditions shall cease to be binding, payments will be due pursuant to the terms of the original loan agreement and Secured Creditor may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against the Debtor.
10. Debtor agrees to incorporate the above agreed terms of lien treatment into any and all existing and future proposed original or modified Chapter 11 Plans of Reorganization through exact language stating the Treatment of Class 3 as set forth above, and by incorporating a copy of this entered Consent Order as an Exhibit to the Confirmation Order approving the Plan; and the Secured Creditor in turn agrees that it accepts the Plan provided that this language is included in the Plan and Confirmation Order; it is agreed that if any terms in Debtor's Chapter 11 Plan conflict with the terms of this Consent Order, the terms of this Consent Order will control.

The undersigned hereby consent to the form,
Content and entry of the within Order:

PHELAN HALLINAN DIAMOND & JONES, PC

Attorneys for Secured Creditor:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

/s/ Melanie Grimes

Melanie Grimes, Esq.

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Dated: 06/04/2020

/s/ Carlos D Martinez

Carlos D Martinez, Esquire

Attorney for Debtor

Dated: 06/16/2020